

§ 125- x **Definitions** (*add these definitions*)

Acreage coverage: The total acres covered by arrays of photovoltaic panels including spaces between panels, buildings, inverters, substation, switchyard, battery storage, ancillary equipment, and fencing around these items but excluding wildlife corridors, mandated setbacks, wetlands, and other avoided natural or cultural features outside of the security fencing on the project site.

Aggregate Cap: The aggregate cap is the maximum total acreage coverage of utility/industrial solar facilities allowed, not a goal to be achieved. All projects shall undergo careful consideration in the special use permit process.

Applicant: The person or entity who submits an application to the locality for a permit under this ordinance.

Battery energy storage system: Equipment, facilities or devices capable of absorbing electrical energy, storing it for a period of time and redelivering that energy after it has been stored.

Decommissioning: The procedure to disconnect, remove and properly dispose of all above and underground infrastructure, equipment, facilities, electrical components or devices, and to restore the property to prior use or future use consistent with the Comprehensive Plan and future zoning.

Integrated PV: Photovoltaics incorporated into building materials, such as shingles.

Karst: A landscape/feature/topography with sinkholes, springs and streams that sink into subsurface caverns and conduits.

Net metering: An electricity billing mechanism that credits solar energy system owners for the electricity they add to the grid.

Operator: The person responsible for the overall operation and management of a facility.

Owner: The person or entity who owns all or a portion of a facility.

Photovoltaic or "PV": Relating to materials and devices that absorb sunlight and convert it directly into electricity.

Rated capacity: The maximum capacity of a solar facility based on the sum total of each photovoltaic system's nameplate capacity.

Site plan: A plan prepared by a professional engineer or land surveyor licensed by the State of Virginia showing all proposed improvements to the site. The site plan shall include all covenants, grants, or easements and other conditions relating to use, location, and bulk of buildings, density of development, open space, public facilities, and such other information as is required in applicable sections of this ordinance such as with conditional use, rezoning, or variance applications.

Solar facility: The entire area, including acreage coverage, setbacks, buffers, access roads, wildlife corridors, wetlands, and other natural features of a facility that generates electricity from sunlight.

Solar facility, small-scale: A solar facility that generates electricity from sunlight primarily to reduce onsite consumption of utility power for residential applications that:

- (a) Either generates less than 25 kilowatts (kW) electricity from sunlight, consisting of one or more Photovoltaic (PV) systems and other appurtenant structures and facilities within the boundaries of the site;
- (b) Or utilizes sunlight as an energy source to heat or cool buildings, heat or cool water, or produce electrical or mechanical power by means of any combination of collecting, transferring, or converting solar-generated energy;

and meets at least one of the following criteria:

- (a) has a disturbance zone equal to or less than one (1) acre if ground mounted;
- (b) is mounted on or over a building, parking lot, or other previously disturbed area;
- (c) or utilizes integrated PV only (excluding passive solar homes).

Should the use change from residential to any other use, the definition and requirements of that use shall apply.

Solar facility, medium-scale: A facility that generates electricity from sunlight primarily to reduce onsite consumption of utility power for agricultural, commercial and industrial applications. Ground mounted sites occupy less than 2 acres.

Solar facility, industrial/utility scale: A facility that generates electricity from sunlight primarily for sale to a utility provider. An energy conversion system consisting of photovoltaic panels, their support structures, and associated infrastructure, such as but not limited to control, conversion, and transmission hardware, and energy storage systems, occupying more than two (2) acres of total land area.

ARTICLE X

SOLAR FACILITIES

§ 125-70 Statement of intent.

The purpose of this section is to establish requirements for construction, operation, and decommissioning of solar facilities; to provide standards for the placement, design, construction, monitoring, modification, and removal of solar facilities; address public safety, minimize impacts on scenic, natural, and historic resources; and provide adequate financial assurance for decommissioning.

§ 125-71 Applicability.

This article shall apply to all solar facilities constructed after the effective date of this article, including any physical modifications to any existing solar energy facilities that materially alter the type, configuration, or size of such facilities or other equipment.

§ 125-72 Zoning districts.

1. Small-scale solar facilities may be installed by-right in all zoning districts to provide electricity to individual structures; provided a site plan (as applicable) has been submitted to Page County for review and approval; all Federal, State and Local regulations have been followed; and the system is located upon the property or structure being served.
2. Medium-scale solar facilities may be installed by-right (roof-mounted or ground-mounted) in agricultural, commercial, and industrial zoning districts to provide electricity to individual structures; provided a site plan (as applicable) has been submitted to Page County for review and approval; all Federal, State and Local regulations have been followed; and the system is located upon the property or structure being served.
3. Any commercial or industrial solar facility installed upon a roof top shall submit a site plan and an engineering study to Page County for review.
4. Industrial/Utility scale solar facilities shall be permitted by Special Use Permit (SUP) only. And only in industrial and agricultural districts.

§ 125-73 Small-scale and medium-scale requirements and standards.

1. The design and installation of all solar energy facilities shall conform to applicable industry standards, including those of the American National Standards Institute (ANSI), Underwriters Laboratories (UL), the American Society for Testing and Materials (ASTM), or other similar certifying organizations and shall comply with all fire and safety requirements.
2. Small and medium-scale energy facilities shall comply with all applicable federal, state and county regulations, ordinances and codes.
3. If the solar energy facility is ground-mounted or not flush-mounted on a principal or accessory building, the panel array height shall not exceed 15 feet. The lowest surface of any ground mounted panel array shall be a maximum of ten (10) feet above the finished grade.
4. All wiring not on the solar arrays shall be underground except where necessary to connect to the public utility.

5. All hazardous waste, including but not limited to, broken or waste solar equipment and materials shall be removed from the site within thirty (30) days of being taken out of service. Panels, parts, and components thereof shall be transferred to a reclamation or repurposing facility that specializes in recycling, reclaiming or repurposing solar facility materials, or shall otherwise be disposed of in accordance with federal and state law. In no event shall such materials be disposed of in Page County, Virginia without express, written consent, of the Board of Supervisors or its designee.
6. Net metering shall comply with all local, state and federal regulations.
7. Small scale solar energy facilities shall comply with the following procedures and standards:
 - (a) A small scale roof mounted solar facility shall submit a plan to the building official's office for review.
 - (b) A small scale ground mounted solar facility shall setback a minimum of fifty (50) feet from the property line.
8. Medium scale solar energy facilities shall comply with the following procedures and standards:
 - (a) A medium-scale facility installed upon a roof top shall submit an engineering study to the building official's office for review.
 - (b) A ground mounted medium-scale solar facility shall submit a site plan prepared by a licensed Virginia engineer to the zoning administrator. The site plan shall include:
 - (1) A description of the subject parcel(s).
 - (2) Property lines and setback lines. A land survey by a Virginia licensed surveyor is required.
 - (3) Existing and proposed buildings, improvements, and structures; including locations of the proposed solar panels and related equipment; the location of driveways, internal roads, and structures; and the location of points of ingress/egress.
 - (4) An inventory of wetlands, waterways, karst features and floodplains on or adjacent to the project.
 - (5) The location and nature of screening elements, including vegetative buffers.
 - (6) Existing and proposed access roads, drives, turnout locations, and parking.
 - (7) Location of substations, switchyards, electrical cabling from the solar facility systems to the substations, ancillary equipment, buildings, and structures including those within any applicable setback.
9. Setbacks for ground mounted medium-scale solar facilities:
 - (a) All above-ground infrastructure shall be no less than one hundred fifty (150) feet from property lines with existing dwellings.
 - (b) All above-ground infrastructure shall be no less than one hundred (100) feet from all other property lines.
 - (c) Setbacks are not required among and between participating landowners' parcels, if applicable.
 - (d) Transformers shall be set back one hundred fifty (150) feet from property lines.
 - (e) All equipment, improvements, or structures shall be located no closer than one hundred fifty (150) feet from any primary highway.
10. Medium-scale solar energy facilities when adjacent to a parcel with an existing residence shall be screened from the ground-level view of adjacent properties by a buffer zone at least twenty five (25) feet wide that shall be landscaped with native and non-invasive plant materials, except to the extent that

existing vegetation or natural landforms on the site provide such screening as determined by the Zoning Administrator. Trees shall be a minimum of six (6) feet in height at time of planting and in staggered rows of ten (10) foot on center. In the event existing vegetation or landforms providing the screening are disturbed, new plantings shall be provided which accomplish the same. The effectiveness of screening shall be maintained as the plant materials mature. Unhealthy and dead plants shall be replaced within one (1) year of being provided written notice by the County of the violation. Opaque architectural fencing may be used to supplement other screening methods but shall not be the primary method.

11. Decommissioning of medium-scale solar facilities:

- (a) A performance bond reflecting the estimated costs of decommissioning calculated by a Virginia licensed engineer shall be posted and maintained by the owner to assure the removal of any unused and abandoned medium-scale solar energy facility.
- (b) A medium-scale solar energy facility will be considered abandoned if either (1) the facility has not operated for a period of twelve (12) consecutive months after initially beginning operation, or (2) construction ceases for a period of nine (9) consecutive months. The property owner, or owner of the abandoned facility, if different, shall notify the County within thirty (30) days of facility being abandoned, and remove the entire system within six (6) months.
- (c) The property owner shall conduct the decommissioning in accordance with rules herein and may use bonded resources to do so, as approved and released by the County.
- (d) Any excess decommissioning surety funds shall be released to the then owners of the property after completion of decommissioning.
- (e) Applicant, Owner Default; Decommissioning by the County:
 - (1) If the applicant, its successor, and the property owners fail to decommission the solar energy facility within six (6) months, the County shall have the right, but not the obligation, to commence decommissioning activities and shall have access to the property, access to the full amount of the decommissioning surety, and the rights to the solar energy equipment and materials on the property. The applicant, and property owners, or successors, shall be responsible for reimbursing the County for all costs and expenses of decommissioning in excess of the decommissioning surety, and all such excess amounts shall attach to the real estate as a tax lien until paid in full.
 - (2) Any excess decommissioning surety funds shall be released to the then owners of the property after completion of decommissioning.

§ 125-74 Industrial/Utility-Scale Solar Facility Applications and Procedures.

In addition to other requirements of the Page County Zoning Ordinance and Special Use Permit requirements, applications for an industrial/utility-scale solar facility shall include the following information:

- 1. Pre-application meeting: In addition to the written notice requirements set forth in §15.2-2316.7 of the Code of Virginia, the applicant shall schedule a pre-application meeting with Page County to discuss the location, scale, and nature of the proposed use and what will be expected during the process.
- 2. Comprehensive Plan Review. A 2232 review as required by the *Code of Virginia* (§15.2-2232) for utility-scale solar facilities shall be completed. This Code provision provides for a review by the

Planning Commission of public utility facility proposals to determine if their general or approximate location, character and extent are substantially in accord with the Comprehensive Plan or part thereof. This requirement may be waived by the Board of Supervisors pursuant to the authority set forth in §15.2-2232 (H).

3. Special Use Permit (SUP) application. A complete SUP application including:
 - (a) Documents demonstrating the ownership of the subject parcel(s) and lease agreement(s) if applicable.
 - (b) Proof that the applicant has authorization to act upon the owner's behalf.
 - (c) A letter of commitment from the utility company who will interconnect to the facility and a statement of line capacity before and after interconnection.
 - (d) List of all adjacent property owners, their tax map numbers, and addresses.
 - (e) A description of the current use and physical characteristics of the subject parcels.
 - (f) A description of the existing uses of nearby properties.
 - (g) A narrative identifying the applicant, owner of the proposed project, a substantive history of the owner's solar project developments, including all previous and current solar projects, any legal challenges or claims in which they were named or identified, and the name of any proposed entity under which they intend to operate, if different. The narrative shall further describe the proposed solar facility project, including an overview of the project and its location, approximate rated capacity of the solar facility project, the approximate number of panels, representative types, expected footprint of solar equipment to be constructed, and type and location of interconnection to electrical grid.
 - (h) Aerial imagery which shows the proposed location of the solar facility, fenced area, driveways, and interconnection to electrical grid with the closest distance to all adjacent property lines and dwellings along with main points of ingress/egress.
 - (i) Payment of the application fee and any additional review costs, advertising, or other required staff time.
 - (j) The applicant shall consult with the Department of Wildlife Resources and provide a written recommendation regarding wildlife corridors.
 - (k) A preliminary site plan prepared by a Virginia licensed engineer, that shall include the following:
 - (1) A description of the subject parcels.
 - (2) Property lines and setback lines. A land survey by a Virginia licensed surveyor is required.
 - (3) Existing and proposed buildings, improvements, and structures; including locations of the proposed solar panels and related equipment; the location of proposed fencing, driveways, internal roads, and structures; and the location of points of ingress/egress.
 - (4) An inventory of wetlands, waterways, karst features and floodplains on or adjacent to the project.
 - (5) The location and nature of proposed buffers and screening elements, including vegetative and constructed buffers.
 - (6) Existing and proposed access roads, drives, turnout locations, and parking.
 - (7) Location of substations, switchyards, electrical cabling from the solar facility systems to the substations, ancillary equipment, buildings, and structures including those within any

applicable setback.

- (8) Fencing and other methods of ensuring public safety
- (l) Twenty sets (11"× 17" or larger), one reduced copy (8½"× 11") and one electronic copy of the site plan, including elevations and landscape plans as required.
- (m) An inventory of all industrial/utility scale solar facilities -existing or proposed- within a four (4) mile radius.
- (n) A proposed grading plan
- (o) A landscaping plan conforming to requirements set forth in 125-76.13 and 125-76.15 below.
- (p) A plan coordinated with local and regional Fire and Rescue Emergency Services addressing public safety issues and concerns.
- (q) A draft decommissioning plan shall be submitted with the application. A completed decommissioning plan, certified by an engineer, shall be submitted, and approved prior to, or along with, site plan approval, detailing how the applicant proposes to decommission the facility. The proposal shall include the following information:
 - (1) The anticipated life of the project;
 - (2) A cost estimate for the decommissioning of the facility that shall be prepared by a Virginia licensed professional engineer or contractor who has expertise in the removal of large-scale solar facilities. The decommissioning cost estimate shall detail the current cost in dollars and projected costs over the life of the project without any reduction for salvage value. This cost estimate shall be recalculated every five (5) years and the surety shall be updated accordingly;
 - (3) How the estimate was determined;
 - (4) The manner and method of ensuring that funds will be available for decommissioning;
 - (5) The proposed methods and steps required for removal of structures, materials, buildings, roads, cabling, electrical components, operational equipment, and any other associated facilities at the end of the anticipated life of the project;
 - (6) Steps to restore the site to conditions prior to the commencement of the project, including soil stabilization, replacement of topsoil and revegetation (if applicable); and
 - (7) Impacts, if any, on the surrounding properties when decommissioned.
 - (8) The name and physical address of the person or entity responsible for the decommissioning plan.
- (r) A traffic study modeling the construction and decommissioning processes. The Virginia Department of Transportation will be responsible for reviewing the study.
- (s) An estimated construction schedule.
- (t) An environmental site assessment, and in case of site locating on any karst topography, an impact study by a Virginia certified engineer experienced in working in karst landscapes, including but not limited to, site investigations and an Erosion & Sediment Control Plan, confirming that the industrial/ utility scale solar site will not adversely affect ground water.
- (u) A study regarding any site and view shed impacts, including direct and indirect impacts to national and state forests, national or state parks, wildlife management areas, conservation easements, recreational areas, or any known historic or cultural resources within five (5) miles of the proposed project.

- (v) A community impact assessment by a County approved third party, including but not limited to, a comprehensive economic impact, agricultural and tourism revenue, employment and taxation, shall be required and shall assess the various project tax and revenue options, including but not limited to, Code of Virginia §58.1-2636, §58.1-3660, §15.2-2288.8, and §15.2-2316.6 through 2316.9.
 - (w) A proposed method of providing appropriate escrow, surety or security for grounds maintenance, fencing, landscaping.
 - (x) A visual impact analysis demonstrating project siting and proposed mitigation, if necessary, so that the solar facility minimizes impact on the visual character of the County. The impact analysis shall include, but not necessarily be limited to:
 - (1) Accurate, to scale, photographic simulations showing the relationship of the solar facility and its associated amenities and development to its surroundings, including projected vegetative growth. The photographic simulations shall show such views of solar structures from locations such as property lines and roadways, as deemed necessary by the County in order to assess the visual impact of the solar facility.
 - (2) The total number of simulations and the perspectives from which they are prepared shall be established by Page County after the pre-application meeting.
4. Additional information may be required as determined by the Zoning Administrator, including but not limited to, a scaled elevation view of the property and other supporting drawings, photographs of the proposed site, photo or other realistic simulations or modeling of the proposed project from potentially sensitive locations as deemed necessary by Page County to assess the visual impact of the project, landscaping and screening plan, coverage map, and additional information that may be necessary for a technical review of the proposal.

§ 125-75 Neighborhood Meeting:

A public meeting shall be held within six months prior to submission of application of Special Use Permit for industrial/utility scale solar facilities to give the community an opportunity to hear from the applicant and ask questions regarding the proposed project.

1. The applicant shall inform the Zoning Administrator, adjacent property owners, and all property owners located within 1 mile of the parcel boundary of the proposed facility, as noted in Page County tax records, in writing of the date, time and location of the meeting, at least seven but no more than 14 days, in advance of the meeting date. This notice shall also include a contact name and phone number of the project representative and a summary of the proposed facility.
2. The date, time and location of the meeting shall be advertised in the County's newspaper of record by the applicant, at least seven but no more than 14 days, in advance of the meeting date.
3. The meeting shall be held within the County, at a location within the one (1) mile radius or at the nearest location open to the general public with adequate parking and seating facilities which may accommodate persons with disabilities.
4. The meeting shall give members of the public the opportunity to review application materials, ask questions of the applicant and provide feedback.
5. The applicant shall provide to the Zoning Administrator a certified list of property owners notified, a sign-in sheet from the meeting, and a written summary of any input received from members of the public at the meeting.

125-76 Minimum development standards for industrial/utility scale solar facilities.

1. The design and installation of solar energy facilities shall conform to applicable industry standards, including those of the American National Standards Institute (ANSI), Underwriters Laboratories (UL), the American Society for Testing and Materials (ASTM), or other similar certifying organizations and shall comply with all fire and safety requirements.
2. Industrial/utility-scale solar facilities shall be constructed and operated in substantial compliance with the approved Site Plan, with allowances for changes required by the Virginia Department of Environmental Quality (DEQ) Permit by Rule (PBR) process. Any site plan changes related to location of structures, or related to a change of more than 10% of acreage coverage shall require the SUP to be amended.
3. Battery energy storage systems or facilities are not authorized.
4. The following location standards are intended to mitigate adverse effects on adjoining property owners, the neighborhood, the district and the County. Industrial/utility Scale solar facilities shall:
 - (a) Locate at least one (1) mile from a town boundary;
 - (b) Locate outside of the primary or secondary service areas around a town (growth tiers), as expressed in the Comprehensive Plan and in the zoning maps.
 - (c) Not locate adjacent to residential districts or subdivisions.
 - (d) Not locate within two (2) miles of another existing or permitted utility-scale solar facility unless the combined acreage coverage is 30 acres or less.
 - (e) Locate the point of connection to the utility within one (1) mile of electric transmission lines.
 - (f) Minimize and avoid locating on farmland with soils categorized as Prime Farmland and Farmland of Statewide Importance. The acreage coverage of a solar facility shall have no more than fifty (50) percent of soils identified as Prime Farmland and Farmland of Statewide Importance. An in depth soil analysis by a third party approved by the County may override this requirement if the analysis by the National Resource and Conservation Service shows that the specific soils to be developed are not in fact those that meet the Prime Farmland or Farmland of Statewide importance requirements.
 - (g) Locate outside forested areas as identified and defined in the Comprehensive Plan and by a Virginia State certified forester. Forested areas cannot be clearcut or heavily timbered within five (5) years of submission of an application for a Utility Scale Solar Facility.
 - (h) Utility-scale solar facilities shall not be located in or within three hundred (300) feet of historic and cultural resources as defined in the Comprehensive Plan.
5. Size limitations for industrial/utility scale solar facilities:
 - (a) Aggregate Cap: Commencing on [effective date], and continuing until amended by the Board of Supervisors, no more than three hundred (300) acres of acreage coverage, in aggregate, may be approved for utility-scale solar facilities.
 - (b) The minimum area of a utility-scale solar facility shall be 2 acres.

- (c) No more than thirty (30) acres of total acreage coverage may be approved for any utility-scale solar facility.
 - (d) The equipment, improvements, structures, and percent of acreage coverage of a utility-scale solar facility shall be shown on the site plan approved by the Board as part of the special use permit. The percent of acreage coverage shall not exceed sixty five (65) percent of total acreage of the site.
6. Setbacks for a industrial/utility-scale solar facilities:
- (a) All above-ground infrastructure, equipment, improvements or structures, including security fence, shall be no less than three hundred (300) feet from property lines.
 - (b) Setbacks are not required among and between participating landowners' parcels, if applicable.
 - (c) Transformers shall be set back six hundred (600) feet from property lines.
 - (d) All above-ground infrastructure, equipment, improvements, or structures, including security fencing, shall be located no closer than twelve hundred (1,200) feet from any primary highway or roadway and three hundred (300) feet from any secondary highway, roadway or other right-of-way passage.
7. The maximum height of the lowest edge of the photovoltaic panels shall be ten (10) feet as measured from the finished grade. The maximum height of photovoltaic panels, primary structures and accessory buildings shall be fifteen (15) feet as measured from the finished grade at the base of the structure to its highest point, including appurtenances.
8. No solar panels or any associated equipment shall be installed on existing slopes ten (10) percent or greater. Mitigation, including but not limited to drip strips under panel arrays or row gaps, shall be required on slopes greater than seven (7) percent. No grading for the purpose of conforming with the 10% slope requirement shall be permitted.
9. Wetlands, waterways, karst features, including but not limited to sinkholes; and floodplains shall be inventoried, delineated, and avoided, with exception of encroachments permitted by State Code and regulations.
10. Facilities may be located on karst topography only if a site assessment made by a Virginia certified engineer experienced in working in karst landscapes, including but not limited to, site investigations and an Erosion & Sediment Control Plan, confirms that the site location and design will not adversely affect ground water.
11. Continuous monitoring shall be provided to measure and analyze water runoff in sensitive areas, including but not limited to, ponds, waterways and wetlands. Baseline testing shall be required prior to any clearing or construction activity, and all subsequent findings shall be reported to the County every ninety (90) days. Water testing shall be provided at the expense of the applicant. Criteria for testing shall be derived from, but not limited to, information contained in equipment Material Safety Data Sheet (MSDS) which shall be provided by the applicant/operator. Findings may be submitted to appropriate state agencies for review and/or enforcement in case of any violation.
12. Soil testing reports shall be submitted as required, but at least prior to any clearing or construction activity as a base line and every two (2) years thereafter for the duration of the permit, and again during and after decommissioning.

13. Facilities, including fencing, shall be significantly screened from the ground-level view of adjacent properties by a buffer zone at least one hundred (100) feet wide that shall be landscaped with native and non-invasive plant materials consisting of an evergreen and deciduous mix (as approved by County staff), except to the extent that existing vegetation or natural landforms on the site provide such screening as determined by Page County. Trees shall be a minimum of 6 feet in height at time of planting and in staggered rows of ten (10) foot on center. In the event, existing vegetation or landforms providing the screening are disturbed, new plantings shall be provided which accomplish the same. The effectiveness of screening shall be maintained as the plant materials mature. Unhealthy and dead plants shall be replaced within one (1) year of being provided written notice by the County of the violation.
14. Facilities shall be enclosed by security fencing on the interior of the buffer area (not to be seen by other properties) not less than nine (9) feet in height. A performance bond reflecting the costs of anticipated fence maintenance shall be posted and maintained. Failure to maintain the security fencing shall result in revocation of the SUP and the facility's decommissioning.
15. Ground cover on the site shall be pollinator-friendly native and non-invasive vegetation and maintained in accordance with the Landscaping Maintenance Plan in accordance with established performance measures. A performance bond reflecting the costs of anticipated landscaping maintenance shall be posted and maintained. Failure to maintain the landscaping shall result in revocation of the SUP and the facility's decommissioning. Incorporation of non-invasive plant species that require no pesticides, herbicides, and fertilizers or the use of pesticides and fertilizers with low toxicity, persistence, and bioavailability is recommended. The operator shall notify the County prior to application of pesticides and fertilizers. The County reserves the right to request soil and water testing.
16. Wildlife corridors:
 - (a) Wildlife corridors shall be established as determined by the Virginia Department of Wildlife Resources.
 - (b) Proposed wildlife corridor(s) shall be shown on the site plan submitted to the County and shall be a minimum of twenty (25) feet in width. Areas between fencing shall be kept open to allow for the movement of migratory animals and other wildlife.
17. The design of support buildings and related structures shall use materials, colors, textures, screening and landscaping that will blend the facilities to the natural setting and surrounding structures.
18. All structures, racks and associated facilities shall have a non-reflective finish or appearance. Solar panel arrays shall be designed to maximize absorption and minimize glare toward adjoining properties and upward toward aircraft. Vehicles traveling on adjoining state maintained roads shall also be protected from potential glare, including tractor trailer cabs.
19. The owner or operator shall maintain the solar facility in good condition. Such maintenance shall include, but not be limited to painting, structural integrity of the equipment and structures, as applicable, and maintenance of the buffer areas and landscaping. Site access shall be maintained to a level acceptable to the County. The project owner shall be responsible for the cost of maintaining the solar facility and access roads, and the cost of repairing damage to private roads occurring as a result of construction, operation and decommissioning. The applicant shall be required to submit an incident response plan to Page County.
20. Facilities shall be designed and maintained in compliance with standards contained in applicable local, state and federal building codes and regulations.

21. Facilities shall comply with all permitting and other requirements of the Virginia Department of Environmental Quality.
22. The applicant shall provide proof of adequate liability insurance for a solar facility prior to beginning construction and before the issuance of a zoning or building permit from Page County. The applicant shall provide proof of said liability insurance policy upon request by the County.
23. The applicant shall obtain county-approved qualified third parties to conduct all inspections as required by the Virginia Erosion & Sediment Control Regulations (9VAC25-840-60) and the Virginia Stormwater Management Program Regulations (9VAC25-870-114). The applicant shall be responsible for any and all costs associated with these inspections. After completion of land disturbing activities and permanent control measures are operable, inspections shall revert back to the County (Virginia Stormwater Management Program Authority). This third party must hold a certificate of competence in the area of Erosion & Sediment Control and Stormwater Management issued by the Commonwealth of Virginia State Water Control Board. All inspection reports must be submitted to the County's program administrator within 24 hours of the inspection via email.
24. Lighting fixtures as approved by the County shall be the minimum necessary for safety and/or security purposes to protect the night sky by facing downward and to minimize off-site glare. No facility shall produce glare that would constitute a nuisance to the public. Any exceptions shall be enumerated on the Site Plan and approved by Page County.
25. No signage of any type may be placed on the facility other than notices, warnings, and identification information required by law.
26. All facilities must meet or exceed the standards and regulations of the Federal Aviation Administration ("FAA"), State Corporation Commission ("SCC") or equivalent, and any other agency of the local, state or federal government with the authority to regulate such facilities
27. Knox boxes and keys shall be provided at locked entrances for emergency personnel access. Warning signage shall be placed on high voltage electrical equipment and utility-scale facility entrances.
28. The owner and operator shall give the County written notice of any change in ownership, operator, or Power Purchase Agreement within thirty (30) days of such anticipated change.
29. Any third-party assessment shall be paid for by the applicant but the third-party assessor must be approved by Page County.
30. A sealed dry-waste container shall be maintained at the facility for the storage and disposal of any hazardous waste, including but not limited to damaged solar panels. Hazardous waste shall be transferred to a reclamation or repurposing facility that specializes in recycling, reclaiming or repurposing solar facility materials, or shall otherwise be disposed of in accordance with federal and state law. In no event shall such materials be disposed of in Page County. A receipt of disposal shall be submitted to the County Administrator or their designee within sixty (60) days of such disposal.
31. If the solar facility is declared to be unsafe by Page County, the facility must be brought into compliance within fourteen (14) days or the Special Use Permit shall be terminated, and the system shall be removed from the property in accordance with the decommissioning plan. This time period may be extended by the Board of Supervisors or its designee, in writing, upon a finding of good cause.

§ 125-77 Decommissioning of Industrial/ Utility Scale Solar Facilities:

1. A decommissioning plan shall be approved as part of the Special Use Permit.
2. A solar facility which has reached the end of the term of the special use permit and not been granted an extension shall be deemed abandoned.
3. A solar facility project for which on-site construction has begun, but then ceases for a period of six (6) consecutive months prior to beginning operation, shall be deemed abandoned, unless granted an extension, in writing, by the Board of Supervisors or its designee.
4. A solar facility, or a substantial part thereof, that is inactive, or that has substantially discontinued the delivery of electricity to a grid, for a continuous six (6) month period shall be deemed abandoned, unless granted an extension, in writing, by the Board of Supervisors or its designee.
5. The applicant, owner of the real estate, or owner or operator of the solar facility shall notify Page County by certified mail that the facility is abandoned.
6. At such time that the project is anticipated to become abandoned, or within two (2) years of anticipated decommissioning, whichever is earlier, the owner, operator, or owner of the real estate, shall notify the County Administrator, or their designee, in writing of the anticipated cessation of operation.
7. Within six (6) months of a solar facility being declared abandoned by the owner, operator, or Page County, the owner or operator shall, at its sole cost and expense, complete the decommissioning of the utility scale solar facility in accordance with the decommissioning plan approved by the County. This time limitation may be extended at the request of the owner or operator, upon approval by the Board of Supervisors.
8. If the owner or operator fails to either notify the County Administrator or a designee that the utility scale solar facility has been abandoned, or fails to decommission the abandoned utility scale solar facility, the property owner shall conduct the decommissioning in accordance with the plan and may use bonded resources to do so, as approved and released by the County.
9. Applicant, Owner Default; Decommissioning by the County.
 - (a) If the applicant, its successor, and the property owners fail to decommission the solar energy facility within six (6) months, the County shall have the right, but not the obligation, to commence decommissioning activities and shall have access to the property, access to the full amount of the decommissioning surety, and the rights to the solar energy equipment and materials on the property. The applicant, and property owners, or successors, shall be responsible for reimbursing the County for all costs and expenses of decommissioning in excess of the decommissioning surety, and all such excess amounts shall attach to the real estate as a tax lien until paid in full.
 - (b) Any excess decommissioning surety funds shall be released to the then owners of the property after completion of decommissioning.
 - (c) Prior to the issuance of any permits, the applicant and the property owners shall deliver a legal instrument to the County granting the County the right to access the property and the solar energy facility equipment and materials so the County can complete the decommissioning, should it choose to do so, upon the applicant's and property owners' default. Such instrument shall bind the applicant and property owners and their successors, heirs and assigns. Nothing herein shall limit other rights or remedies that may be available to the County to enforce the obligations of the applicant, operator, or property owner, including remedies under the County's zoning powers.
10. Surety:
 - (a) The estimated cost of decommissioning shall be guaranteed by the deposit of funds, in an amount

equal to the estimated cost of decommissioning, in an escrow account at a federally insured financial institution approved by the County prior to issuance of a building permit.

- (b) The applicant shall deposit the required amount into the approved escrow account before any building permit is issued to allow construction of the solar facility.
 - (c) The escrow account agreement shall prohibit the release of the escrow funds without the written consent of the County. The County shall consent to the release of the escrow funds upon the owner's or operator's compliance with the approved decommissioning plan. The County may approve the partial release of escrow funds as portions of the approved decommissioning plan are performed.
 - (d) The amount of funds required to be deposited in the escrow account shall be the full amount of the estimated decommissioning cost without regard to the possibility of salvage value.
 - (e) A Virginia licensed Engineer shall recalculate the estimated cost of decommissioning every five years. If the recalculated estimated cost of decommissioning exceeds the original estimated cost of decommissioning by ten (10) percent, then the owner or occupant shall deposit additional funds into the escrow account to meet the new cost estimate. If the recalculated estimated cost of decommissioning is less than ninety percent (90%) of the original estimated cost of decommissioning, then the County may approve reducing the amount of the escrow account to the recalculated estimate of decommissioning cost.
 - (f) The County may approve alternative methods to secure the availability of funds to pay for the decommissioning of a utility-scale solar facility, such as a performance bond, letter of credit, or other security provided by a company licensed in the state of Virginia and approved by the County. In the event a bond is approved as an alternative security, such bond shall be posted prior to the commencement of construction, and maintained thereafter, in an amount to be reassessed every five (5) years based on estimated decommissioning costs. The applicant shall provide proof of such bonding after each reassessment, and shall provide a copy thereof to the County Administrator or their designee. Following completion of decommissioning of the utility-scale solar facility, the bond shall be released and, if the County has called upon the bond and take control of bond resources, any remaining resources held by the County shall be distributed to the property owners in proportion to their ownership interests.
11. Decommissioning shall include removal of all solar electric systems, buildings, cabling, electrical components, security barriers, roads, foundations, pilings, and any other associated facilities, so that any agricultural ground upon which the facility and/or system was located is again tillable and suitable for agricultural or forestial uses. The site shall be de-compacted, graded and re-seeded to restore it to as natural a pre-development condition as possible or replanted with pine seedlings to stimulate pre-timber pre-development conditions as indicated on the approved Site Plan. Any exception to site restoration, such as leaving access roads in place or seeding instead of planting seedlings must be requested by the land-owner in writing, and this request must be approved by the Board of Supervisors (other conditions might be more beneficial or desirable at that time).
 12. Land disturbance activities as a result of removal of solar facilities shall adhere to all local, state, and federal requirements.
 13. Decommissioning shall be performed in compliance with the approved decommissioning plan. The Board of Supervisors may approve any appropriate amendments or modifications to the decommissioning plan.
 14. Hazardous material, panels or pieces thereof from the property shall be transferred within sixty (60) days to a reclamation or repurposing facility that specializes in recycling, reclaiming or repurposing solar facility materials, or shall otherwise be disposed of in accordance with federal and state law. In

no event shall such materials be disposed of in Page County, Virginia without express, written consent, of the Board of Supervisors or its designee. A receipt of disposal shall be submitted to the County Administrator or their designee within thirty (30) days of such disposal.

§ 125-77 Coordination of local emergency services.

Applicants for industrial/utility-scale solar facilities shall coordinate with the County's emergency services staff to provide annual materials, education and/or training to the departments serving the property with emergency services in how to safely respond to on-site emergencies.

§ 125-78 Conditions of Special Use Permits for industrial/ utility scale solar facilities:

The Board of Supervisors shall consider conditions of a Special Use Permit when addressing a proposed utility-scale solar facility, including, but not limited to, the following:

1. Maximum generating capacity of the solar facility
2. More restrictive criteria pertaining to location and proximity of facility to other uses, including but not limited to, residential uses, highways, entry corridors, scenic highways.
3. More restrictive criteria pertaining to buffer zones and wildlife corridors.
4. More restrictive criteria pertaining to prime soils, soil analysis, water analysis, deforestation.
5. In addition to the minimum setbacks set forth herein, more restrictive minimum setbacks required of all panel arrays, equipment, substations, switchyards, and other ancillary structures, any karst features, wetlands, waterways, rivers, creeks, streams, floodplains, property lines of parcels with existing dwellings, and property lines of all other property without existing dwellings. These setbacks established by the Board do not apply to internal lot lines that are included in the project.
6. Revenue options authorized by Virginia State Code.
7. Job fairs, hours of construction, public safety and EMS training.
8. If the solar facility does not receive a building permit within twenty-four (24) months of approval of the Special Use Permit, the Permit shall be terminated.
9. Any other condition approved by the Page County Board of Supervisors as part of the special use permit process.

§ 125-79 – 125-85 Reserved